

Appl. No. 10/788,757

Amdt. Dated October 6, 2005

Reply to Office Action of August 4, 2005

### REMARKS

This is a full and timely response to the non-final Office action mailed August 4, 2005. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-29 are pending in this application, with Claims 1, 13, and 20 being the independent claims. The Applicants thank the Examiner for finding allowable subject matter in Claims 1-12 and 20-29. Claims 13, 17, and 18 have been amended. No new matter is believed to have been added.

### Objection and Rejections Under 35 U.S.C. § 112, First Paragraph

The specification is objected to and Claims 17 and 18 are rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the enablement requirement. The Office Action states that the specification does not disclose that the stop provides a biasing force on the valve flexure to bias the valve flexure to the open position as recited in claims 17 and 18. Although the Applicants disagree with the Examiner's assessment, the objected to feature has been removed from both claims. Accordingly, the Applicants request withdrawal of the objection and rejections under 35 U.S.C. § 112, first paragraph.

### Rejections Under 35 U.S.C. § 102

Claims 13, 15, 16, and 19 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 3,807,444 ("Fortune"). This rejection is respectfully traversed.

Claim 13 has been amended to now recite, *inter alia*, a valve flexure configured to be biased to a valve open position and a stop disposed proximate the valve flexure and configured to contact the valve flexure when the valve flexure is in the valve open position.

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Fortune discloses a multi-ported check valve where the valve ports are arranged concentrically on the valve seat and the valve closure members are made of flexible materials. The valve body is made in two parts with abutting flanges adapted to be locked together with a portion of the edge of each closure member locked therebetween and the remainder of the closure member is free to flex to open or closed position. See Abstract. However, nowhere does Fortune teach or suggest a valve flexure configured to be biased to a valve open position and a stop disposed proximate the valve flexure and configured to contact the valve flexure when the valve flexure is in the valve open position.

Accordingly, the Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejections.

Claims 15, 16, and 19 depend from Claim 13, and thus rely on the arguments above.

Claims 13, 14, and 19 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,885,064 ("McCoy"). This rejection is respectfully traversed.

McCoy discloses an improved reed type compressor discharge valve assembly that uses a conventional reed and reed stop, however, nowhere does McCoy teach a valve flexure configured to be biased to a valve open position and a stop disposed proximate the valve flexure and configured to contact the valve flexure when the valve flexure is in the valve open position as recited in independent claim 13. Thus, the Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejections.

Claims 14 and 19 depend from claim 13 and therefore, rely on the arguments presented above.

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Conclusion

Based on the above, independent Claims 1, 13, and 20 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER &amp; LORENZ

Dated: 10/6/05By: 

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